

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

**STEPHEN P. KELLY,**

Plaintiff,

vs.

**ROBIN LaFLEUR,**

Defendant.

Cause No. CV 20-69-H-SEH

**ORDER**

Plaintiff Kelly moves to proceed in forma pauperis with an action alleging:

(1) “racketeering and corruption”; (2) “fraud with intent”; (3) “fraudulent withholding of service information, address”; (4) “civil (RICO)”; and (5) “conspiracy.”<sup>1</sup> These allegations arise from a contract for sale of and title to a motor vehicle.<sup>2</sup>

Kelly is unable to pay the costs of the action. The filing fee is waived.<sup>3</sup>

A federal court has jurisdiction over disputes involving federal questions.<sup>4</sup>

Kelly does not allege a “fraud” that supports a claim under the Racketeer-Influenced and Corrupt Organizations Act.<sup>5</sup>

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<sup>1</sup> See Compl. (Doc. 2) at 2 ¶ 1, 4 ¶ 7.

<sup>2</sup> See *id.* at 8–9 ¶¶ 14–17.

<sup>3</sup> Doc. 1; see 28 U.S.C. §§ 1914(a), 1915(a)(1).

<sup>4</sup> See 28 U.S.C. § 1331.

<sup>5</sup> See Compl. at 14 ¶ 23; 18 U.S.C. § 1961(1).

A federal court has jurisdiction over disputes between citizens of different states if the amount in controversy is \$75,000 or more.<sup>6</sup> The dispute here does not meet diversity requirements.<sup>7</sup>

There is no basis for federal jurisdiction grounded in a defendant's "concealment" of their address for service.<sup>8</sup>

As Kelly's allegations preclude federal jurisdiction, the case is dismissed.<sup>9</sup>

ORDERED:

1. Kelly's motion to proceed in forma pauperis<sup>10</sup> is GRANTED.
2. This action is DISMISSED for lack of federal jurisdiction.
3. The clerk shall enter, by separate document, a judgment of dismissal.
4. Any appeal would not be taken in good faith.<sup>11</sup>

DATED this 18<sup>th</sup> day of September, 2020.

  
Sam E. Haddon  
United States District Court

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<sup>6</sup> See 28 U.S.C. § 1332(a)(1), (b).

<sup>7</sup> See Compl. at 4 ¶¶ 8–9, 8 ¶¶ 14–15.

<sup>8</sup> See *id.* at 13 ¶ 22, 14 ¶ 24.

<sup>9</sup> See Fed. R. Civ. P. 12(h)(3).

<sup>10</sup> Doc. 1.

<sup>11</sup> See Fed. R. App. P. 24(a)(3)(A), (4)(B).